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2                  IN THE UNITED STATES DISTRICT  
3                  FOR THE EASTERN DISTRICT OF MISSOURI  
4                  EASTERN DIVISION  
5     DENNIS BALL-BEY,                                      )  
6    )  
7     Plaintiff,    )  
8    ) Case No.  
9     vs.    ) 4:18-cv-01364  
10    )  
11     KYLE CHANDLER, et al.,                            )  
12    )  
13     Defendant.    )  
14  
15  
16                  DEPOSITION OF ROGER ENGLEHARDT  
17                  TAKEN ON BEHALF OF PLAINTIFF  
18                  December 30, 2022  
19  
20  
21  
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24  
25

PAMELA G. WILLIAMS, RPR  
MISSOURI CCR #880

<p style="text-align: right;">Page 18</p> <p>1 didn't really understand what they meant. And, you 2 know, they kept asking me, like, the same, like, 3 what -- do you have receipts of documents or 4 evidence I've brought over there. And I've been in 5 this job for 30 years, I never got a re -- I never 6 asked for a receipt when I'd bring stuff to the 7 circuit attorney's office. And --</p> <p>8 Q Would it -- oh, go ahead.</p> <p>9 A And so I was just, you know, and so, I, you 10 know, I, finally at one point, I just said, like, 11 hey, you keep asking me the same questions, I keep 12 giving you the same answers. You know, like these 13 answers aren't going to change.</p> <p>14 Q Right. And who was the main investigator?</p> <p>15 A It was, I think it was spearheaded by 16 Colonel Sack or then Major Sack.</p> <p>17 Q Right.</p> <p>18 A The -- the stated members of the team were 19 J. D. McCloskey, Sergeant Mickey Owens, and Sergeant 20 Tanya Porter. Those were the -- those were the 21 members of what they -- they call an audit team, 22 that they were doing an audit.</p> <p>23 Q Right.</p> <p>24 A That's what they claimed it to be.</p> <p>25 Q Okay.</p>	<p style="text-align: right;">Page 20</p> <p>1 A That was never stated to me. Simply because 2 there was never an instance where -- there was -- 3 they could never cite an example of when the circuit 4 attorney asked me for something and I didn't give it 5 to them.</p> <p>6 Q All right.</p> <p>7 A If I had it. You know, I just, I -- the 8 facts are that the circuit attorney's office, the 9 way the policy is written and I know, because I 10 wrote the policy, the circuit attorney's office is 11 the one who decides whether a shooting is justified 12 under the law or not. And it's specifically written 13 to the policy that way so it's not cops clearing 14 cops. There's an outside, independent look at these 15 shootings. And so it is not my job or it wasn't my 16 role to clear anyone of any shooting. I -- it 17 wasn't my role and I simply don't even have that 18 power to do that.</p> <p>19 Q Okay. Let me ask you this: In your 30 20 years, I'm assuming you've gone to the circuit 21 attorney's office and taken a number of cases over 22 there with the recommendation that they issue the 23 case for whatever the charge may be, correct?</p> <p>24 A Yeah, this term recommendation's been thrown 25 around a lot and what we're talking about is, is</p>
<p style="text-align: right;">Page 19</p> <p>1 A And there was a clovient (phonetic) audit of 2 the FIU unit, but that's -- I don't accept those as 3 true answers, though.</p> <p>4 Q Right.</p> <p>5 A Just so you -- I'm just telling you what 6 they told me.</p> <p>7 Q Exactly. What do you believe it was?</p> <p>8 A I think it's a way they wanted -- they need 9 to discredit me.</p> <p>10 Q And why?</p> <p>11 A Because the ineffectiveness of the 12 organization, which is the circuit attorney's office 13 and the organization which is the St. Louis 14 Metropolitan Police Department.</p> <p>15 Q So they needed to discredit you to save face 16 with the circuit attorney's office and Metro Police 17 Department as a whole?</p> <p>18 A Well, they weren't -- they weren't doing 19 their jobs as organizations. And this is my opinion 20 and I think it's pretty clear that they weren't.</p> <p>21 Q Did they -- did they get the impression that 22 you were not bringing strong cases against officer 23 involved shootings over to the circuit attorney's 24 office, so they could be in a position to maybe 25 issue those cases?</p>	<p style="text-align: right;">Page 21</p> <p>1 this warrant supplemental form is what I -- is what 2 usually -- what people are talking about, where we 3 come over there with charges that are listed in a -- 4 in either a police report or in a warrant 5 supplemental. Is that what we're talking about?</p> <p>6 Q Right.</p> <p>7 A Okay. Yes, I've done that many times.</p> <p>8 Q Exactly. But in a -- but in a officer 9 involved shooting, you don't do that, correct?</p> <p>10 A No.</p> <p>11 Q You just do the investigation and they do an 12 investigation --</p> <p>13 A Or, yeah, whatever they do --</p> <p>14 Q You just gave them the investigative report?</p> <p>15 A I give them -- and I -- well, it evolved. 16 It kept evolving. And interestingly, the case we're 17 talking about, it evolved on that day. Because 18 if -- you can correct me if I'm wrong, but this 19 happened on August 19th of 2015.</p> <p>20 Q Correct.</p> <p>21 A Okay. One year prior to that, there was a 22 shooting death of a Kajieme Powell.</p> <p>23 Q Right.</p> <p>24 A Happened on the same day, okay? On the day 25 of this shooting, and you might remember this, too,</p>

1 CERTIFICATE OF REPORTER  
2 I, Pamela G. Williams, Certified Shorthand  
3 Reporter, within and for the State of Missouri,  
4 do hereby certify that the witness whose  
5 testimony appears in the foregoing deposition  
6 was duly sworn by me; the testimony of said  
7 witness was taken by me to the best of my  
8 ability and thereafter reduced to typewriting  
9 under my direction; that I am neither counsel  
10 for, related to, nor employed by any of the  
11 parties to the action in which this deposition  
12 was taken, and further that I am not a relative  
13 or employee of any attorney or counsel employed  
14 by the parties thereto, nor financially or  
15 otherwise interested in the outcome of the  
16 action.

18 *Pamela G. Williams*  
19 Certified Shorthand Reporter  
20 within the State of Missouri

1 Veritext Legal Solutions  
2 1100 Superior Ave  
3 Suite 1820  
4 Cleveland, Ohio 44114  
5 Phone: 216-523-1313  
6 January 20, 2023  
7 Roger Englehardt  
roger@3786@gmail.com  
8 Case Name: Ball-Bey, Dennis v. Chandler, Kyle, Et Al.  
9 Veritext Reference Number: S640918  
10 Deposition Date: 1/30/2022  
11 Dear Sir/Madam:  
12 Enclosed you will find a transcript of your deposition.  
13 As the reading and signing have not been expressly  
14 waived, please review the transcript and note any  
15 changes or corrections on the errata sheet  
16 included, indicating the page, line number, change and  
17 reason for the change. Sign at the bottom of the sheet  
18 in the presence of a notary and forward the errata sheet  
back to us at the address shown above or email to  
production-midwest@veritext.com

19 production midwest@verizon.com.  
20 If the errata is not returned within thirty days of your receipt of  
21 this letter, the reading and signing will be deemed waived.  
22 Sincerely,  
23 Production Department  
24  
25 NO NOTARY REQUIRED IN CA

1 DEPOSITION REVIEW  
2 CERTIFICATION OF WITNESS  
3  
4 ASSIGNMENT REFERENCE NO: 5640918  
5 CASE NAME: Ball-Bey, Dennis v. Chandler,  
6 DATE OF DEPOSITION: 12/30/2022  
7 WITNESS' NAME: Roger Englhardt  
In accordance with the Rules of Civil  
Procedure, I have read the entire transcript of  
my testimony or it has been read to me.  
I have made no changes to the testimony  
as transcribed by the court reporter.

9 Date Roger Englehardt  
10 Sworn to and subscribed before me, a  
Notary Public in and for the State and County,  
11 the referenced witness did personally appear  
and acknowledge that:

12 They have read the transcript;  
13 They signed the foregoing Sworn  
Statement; and  
14 Their execution of this Statement is of  
their free act and deed.  
15 I have affixed my name and official seal  
16 this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

17 \_\_\_\_\_  
18 Notary Public  
19 \_\_\_\_\_  
Commission Expiration Date \_\_\_\_\_

Commission Expiration Date

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7 WITNESS' NAME: Roger Englehardt  
8 In accordance with the Rules of Civil  
9 Procedure, I have read the entire transcript of  
my testimony or it has been read to me.  
10 I have listed my changes on the attached  
Errata Sheet, listing page and line numbers as  
well as the reason(s) for the change(s).  
11 I request that these changes be entered  
as part of the record of my testimony.

10 I have executed the Errata Sheet, as well  
11 as this Certificate, and request and authorize  
12 that both be appended to the transcript of my  
testimony and be incorporated therein.  
13

13 \_\_\_\_\_ Date Roger Englehardt  
14 \_\_\_\_\_

14 Sworn to and subscribed before me, a  
15 Notary Public in and for the State and County,  
the referenced witness did personally appear

16 and acknowledge that:  
17 They have read the transcript;

They have listed all of their corrections  
in the appended Errata Sheet;

They signed the foregoing Sworn  
19 Statement; and

Their execution of this Statement is of  
their free act and deed.

21 I have affixed my name and official seal  
22 this \_\_\_\_\_ day of \_\_\_\_\_,

23 \_\_\_\_\_  
Notary Public

24

25 Commission Expiration Date